

**ANALYSIS AND FINDINGS FOR LAND DIVISION:  
PRELIMINARY SUBDIVISION APPROVAL**

**LD2004-0015 (Lindquist 28-Lot PUD)**

Section 40.45.15.3.C of the Development Code states that in order to approve a Preliminary Subdivision, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all of following criteria are satisfied:

Provided below are the staff responses to the Preliminary Subdivision approval criteria as cited above.

***1. The proposal satisfies the threshold requirements for a Preliminary Subdivision application.***

Facts and Findings:

The application is for a proposal to create 28 parcels, a wetland tract, and private streets. The preliminary subdivision threshold states that: *the creation of four or lots from a lot of record in one calendar year*, requires a Preliminary Subdivision application. Staff find that the proposal exceeds the threshold for a preliminary subdivision, therefore meeting the application criterion for approval.

**Staff therefore, find the proposal meets the threshold and the criterion is met.**

***2. All City application fees related to the application under consideration by the decision making authority have been submitted.***

Facts and Findings:

On March 8, 2004, the City of Beaverton received the appropriate fee of \$2,046.00 for a Type 2 Land Division for a Preliminary Subdivision (LD) application. The proposed LD application is in conjunction with a Conditional Use Final Planned Unit Development (PUD) and Street Vacation applications. The PUD application requires a public hearing with the Planning Commission, pursuant to Section 50.15.2 of the Development Code the Land Division will therefore also be a public hearing before the Planning Commission.

**Therefore, staff find that the criterion is met.**

3. ***Oversized lots shall have a size and shape which will facilitate the future partitioning or subdividing of such lots in accordance with the requirements of this Code. In addition, streets, driveways, and utilities shall be sufficient to serve the proposed lots as well as the future development on oversized lots.***

Facts and Findings:

The development proposal does not appear to set aside parcels for future partitioning or subdividing. The proposal is for 28 single-family detached lots on R7 zoned properties. The largest parcel is approximately 8,735 square feet which would not likely be able to divide into two (2) lots at a future time. As described in the Facilities Review and Conditional Use findings, the development meets the minimum density requirement of 15 lots. A large parcel of land will be created in a separate tract for the wetland. Staff find that the proposal is submitted for approval as a preliminary subdivision and does not include any oversized buildable lots. In adopting conditions of approval established by the Land Division Facilities Review report, LD2004-0015 the Committee found the proposed streets, driveways, and utilities will be sufficient to serve all lots on the site. Staff find that the criterion has been satisfied.

**Therefore, staff find that the criterion is met.**

4. ***If phasing is requested by the applicant, the requested phasing plan can be carried out in a manner which satisfies the approval criteria and provides necessary public improvements for each phase as the project develops.***

Facts and Findings:

The applicant's narrative states that phasing is not proposed for the subdivision request. Staff find that because the applicant does not propose phasing and the site plans do not provide any evidence of phasing, staff find the criterion for approval is not applicable.

**Therefore, staff find that the criterion is not applicable.**

5. ***Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.***

Facts and Findings:

The applicant has three (3) concurrent applications submitted for review, including this Preliminary Subdivision – Land Division, Conditional Use – Final Planned Unit Development, and Street Vacation applications to vacate a portion of paper street right-of-way. The Land Division application is being reviewed concurrently with the PUD application at the Commission they will review both applications at one public hearing. The City Council will decide on the Street Vacation at a public hearing scheduled for January 3, 2005. Approval and vacation of SW 170<sup>th</sup> Avenue within the confines of the developable site, is required if the PUD and Land Division are ultimately approved.

**Therefore, staff find that the criterion is met.**

**SUMMARY OF FINDINGS:** For the reasons identified above, staff find that the applicant's Preliminary Subdivision satisfies the approval criteria for Preliminary Subdivision approval pursuant to Section 40.45.15.3.C.1 through 5 of the Development Code and is also subject to Facilities Review Section 40.03.1 through 11 and its conditions of approval.

At the discretion of the Planning Commission, recommended conditions of approval in the Facilities Review Technical Review and Recommendation Report may be adopted, modified, deleted, or added to the recommended conditions of approval. Additional findings may be required if the conditions of approval are modified, deleted, or added to the original conditions.

### **PRELIMINARY SUBDIVISION CONCLUSION**

Based on the facts and findings presented, staff conclude the proposal, **LD2004-0015 (Lindquist 28-Lot PUD)** meets the criteria for approval.

### **RECOMMENDATION**

Based on the facts and findings presented, staff can recommend approval of **LD2004-0015 (Lindquist 28-Lot PUD)**, subject to the conditions of approval found in Attachment F of this report.